IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 10476 of 2004

Between:

Syed Mukthar Ahmed, S/o. Syed Ali Ahmed,
R/o. 9-4-47/22/A/8, Hakeempet, Hyderabad.

..... PETITIONER

AND

1 The State of AP., rep by its Secretary,
Revenue Department, Secretariat Buildings, Hyderabad.
2 The Dy. Director, Survey and Land Records, Hyderabad District at Nampally, Hyderabad.
3 Sri.Mirza Azam Baig, S/o. not known, GPA of Smt. Ghousia Begum, H.No. 9-4-54,
Hakeempet, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus notice dt. 18-6-2004 bearing No. A3/357/2004,for conducting the demarcation of T.S.No. 12, Block No. 8, Ward No. 12 of Hakeempet Village, Shaimpet Mandal, Hyderabad without following the procedure prescribed under Sec.15(2) of the A.P. Survey and Boundaries Act 1923 as arbitrary and illegal and the same may be set-aside, and pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For the Petitioner:MOHD.ASIFUDDIN

For the Respondents 1 and 2.: GP FOR REVENUE

The Court Made the Following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue for respondents 1 and 2.

Challenging the notice dated 18-6-2004 issued by the 2nd respondent asking the petitioner to be present before him on 25-6-2004 with relevant record for demarcating the land in T.S.No.12, Block No.B, Ward No.12 of Hakeempet village, Shaikpet Mandal, the present writ petition is filed.

The case of the petitioner is that at the instance of the 3rd respondent, the 2nd respondent has issued the impugned notice, for conducting survey of the above mentioned land without following procedure prescribed under Section 15(2) of the Survey and Boundaries Act, 1923, and therefore, the said notice is liable to be set aside.

The learned government Pleader for Revenue submits that it is only a notice issued for conducting the survey and the petitioner can well participate in the survey and raise all his objections before the surveyor.

Having regard to the fact that the impugned notice in no way affects the rights and interests of the petitioner, he can participate in the survey and raise all his objections before the surveyor.

With the above observations the writ petition is dismissed at the stage of admission. No costs.

_____

24-6-2004

asp

To :

1 The Secretary, Revenue Department, A.P. Secretariat, Hyderabad

2 The Dy. Director, Survey and Land Records, Hyderabad District at Nampally,

Hyderabad.
3. Two C.Cs. to G.P. for Revenue, High court Buildings (OUT)

4. Two C.D. copies